

KEKER, VAN NEST & PETERS LLE  
JOHN W. KEKER - # 49092  
jkeker@keker.com  
JAN NIELSEN LITTLE - # 100029  
jlittle@keker.com  
BROOK DOOLEY - # 230423  
bdooley@keker.com  
KATE E. LAZARUS - # 268242  
klazarus@keker.com  
NICHOLAS D. MARAIS - # 277846  
nmaraais@keker.com  
IAN KANIG - # 295623  
ikanig@keker.com  
633 Battery Street  
San Francisco, CA 94111-1809  
Telephone: 415 391 5400  
Facsimile: 415 397 7188

Attorneys for Defendant  
**SUSHOVAN HUSSAIN**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00462-CRB

Plaintiff.

**STIPULATION AND PROPOSED ORDER  
REGARDING BRIEFING SCHEDULE  
FOR EXPERT DISCLOSURES AND  
RELATED MOTIONS IN LIMINE**

1

SUSHOVAN HUSSAIN.

### Defendant

I - 1

Judge: Hon. Charles R. Breyer

Date Filed: November 10, 2016

Trial Date: February 26, 2018

1                   **STIPULATION RE: EXPERT DISCLOSURES AND RELATED MOTIONS IN LIMINE**

2                   The United States and Defendant Sushovan Hussain, acting by and through their counsel,  
 3 hereby stipulate as follows:

4                   WHEREAS, on August 8, 2017, the Court entered a schedule ordering that: (1) the United  
 5 States serve a summary pursuant to Rule 16 of the Federal Rules of Criminal Procedure for each  
 6 expert witness that it intends to call at trial in its case-in-chief on or before October 27, 2017, *see*  
 7 Dkt. 100 (“Schedule”) ¶ 7; (2) Defendant serve the same for each expert witness that he intends to  
 8 call at trial in his case-in-chief on or before November 17, 2017, *id.* ¶ 8; (3) the United States  
 9 serve the same for each expert witness that it intends to call at trial in rebuttal to expert testimony  
 10 offered by Defendant on or before December 8, 2017, *id.* ¶ 11; (4) motions in limine are to be  
 11 filed on or before December 8, 2017, *id.* ¶ 12; (5) oppositions to motions in limine are to be filed  
 12 on or before December 22, 2017, *id.* ¶ 13; (6) replies to motions in limine are to be filed on or  
 13 before January 5, 2018, *id.* ¶ 14; (7) motions in limine shall be heard by the Court on February 6,  
 14 2018, at 2:30pm, *id.* ¶ 17; and (8) trial shall commence on February 26, 2018, *id.* ¶ 18;

15                   WHEREAS, on October 24, 2017, the Court granted the parties’ stipulation to (1) extend  
 16 the deadline for the United States to serve its Rule 16 summary for any expert witnesses it intends  
 17 to call in its case-in-chief to October 31, 2017, and (2) extend the deadline for Defendant to serve  
 18 its Rule 16 summary for any expert witnesses he intends to call in his case-in-chief to November  
 19 21, 2017, Dkt. No. 128;

20                   WHEREAS, Defendant now seeks a modification to the Schedule, as amended, that would  
 21 extend the deadline for him to serve his Rule 16 summary for any expert witness he intends to  
 22 call in his case-in-chief from November 21, 2017, to December 5, 2017;

23                   WHEREAS, the United States agrees to Defendant’s requested schedule modification on  
 24 the condition that the deadline is extended for the United States to (1) serve its Rule 16 summary  
 25 for any expert witness it intends to call in rebuttal to expert testimony offered by Defendant from  
 26 December 8, 2017, to January 3, 2018, and (2) file any motion in limine regarding any expert  
 27 witness that Defendant intends to call in his case-in-chief from December 8, 2017, to January 10,  
 28 2018;

1           WHEREAS, Defendant agrees to the United States' requested schedule modification on  
 2 the condition that Defendant may file any motion in limine regarding any rebuttal expert  
 3 witnesses disclosed by the United States by January 10, 2018 (there is no such date currently set);

4           WHEREAS, the requested modifications would further require the Court to set deadlines  
 5 for the parties to file oppositions and replies in support of any motions in limine regarding any  
 6 expert witness that Defendant discloses and any rebuttal expert witness that the United States  
 7 discloses;

8           WHEREAS, the parties agree that the Court need not set a separate hearing date from the  
 9 one currently set for all motions in limine, which is February 6, 2018, at 2:30pm;

10          NOW, THEREFORE, counsel for the United States and Defendant hereby agree, subject  
 11 to the Court's approval, that:

- 12           1.       Defendant shall serve a Rule 16 summary for any expert witness he intends to call  
                   in his case-in-chief by December 1, 2017;
- 14           2.       The United States shall serve a Rule 16 summary for any expert witness it intends  
                   to call in rebuttal to any expert testimony offered by Defendant by December 29,  
                   2017;
- 17           3.       The United States' shall file any motion in limine regarding any expert witness  
                   disclosed by Defendant by January 8, 2018;
- 19           4.       Defendant shall file any motion in limine regarding any rebuttal expert witness  
                   disclosed by the United States by January 8, 2018;
- 21           5.       Defendant shall file any opposition to any motion in limine filed by the United  
                   States regarding any expert witness disclosed by Defendant by January 22, 2018;
- 23           6.       The United States shall file any opposition to any motion in limine filed by  
                   Defendant regarding any rebuttal expert witness disclosed by the United States by  
                   January 22, 2018;
- 26           7.       The United States shall file any reply in support of any motion in limine it files  
                   regarding any expert witness disclosed by Defendant by January 29, 2018;

8. Defendant shall file any reply in support of any motion in limine it files regarding any rebuttal expert disclosed by the United States by January 29, 2018.

Respectfully submitted,

Dated: November 13, 2017

KEKER, VAN NEST & PETERS LLP

By: /s/ Brook Dooley  
JOHN W. KEKER  
JAN NIELSEN LITTLE  
BROOK DOOLEY  
KATE E. LAZARUS  
NICHOLAS D. MARAIS  
IAN KANIG

Attorneys for Defendant  
SUSHOVAN HUSSAIN

Dated: November 13, 2017

ALEX G. TSE  
Attorney for the United States  
Acting under Authority Conferred by  
28 U.S.C. § 515

By: /s/ Robert S. Leach  
ADAM A. REEVES  
ROBERT S. LEACH  
Assistant United States Attorney

Attorneys for United States of America

## **CERTIFICATION OF CONCURRENCE FROM OTHER PARTIES**

I, Brook Dooley, am the ECF user whose ID and password are being used to file this STIPULATION AND PROPOSED ORDER REGARDING BRIEFING SCHEDULE FOR EXPERT DISCLOSURES AND RELATED MOTIONS IN LIMINE. In compliance with N.D. Cal. Civ. L.R. 5-1(i)(3), I hereby attest that each of the signatories has concurred in the filing of this document and has authorized the use of his or her electronic signature.

/s/ Brook Dooley  
**BROOK DOOLEY**

1 **[PROPOSED] ORDER**  
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3 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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5 Dated: November 15, 2017  
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7 HONORABLE CHARLES R. BREYER  
8 United States District Judge  
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